

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

September 16, 2003

MINUTES

1. Call to Order

Mayor Simpson called the meeting to order at 5:30 p.m. and announced a quorum was present. Those present were: Mayor Simpson, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, Council member Allen, Council member West, Council member Joyner and Council member Felker.

Staff present were: City Manager George Purefoy, Deputy City Manager Henry Hill, Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Secretary Nan Parker, City Attorney Richard Abernathy, City Attorney Julie Fort, Director of Planning and Development Services John Lettelleir, Director of Engineering Cissy Sylo.

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Deputy Mayor Pro-Tem Lafata moved to recess into Closed Session at 5:30 p.m. seconded the Motion. Council member Allen motion carried. Vote: 6-0.

Mayor Simpson announced the Council was in Closed Session as authorized by the Texas Government Code, to wit:

1. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
2. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - a) south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289;
 - b) south of FM 3537, north of Warren Parkway, east of Dallas North Tollway, and west of Hillcrest Road.

3. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:

- a) boundary issues with McKinney and The Colony, and,
- 4).Cause No. 5-643-02; City of Frisco, Texas vs. H. Roger Lawler and Frisco Master Plan, L.P., in County Court at Law No. 5, Collin County, Texas
- 5) Billboards
- 6) City's underground utility ordinance
- 7) Bert Fields Agreement

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Deputy Mayor Pro-Tem Lafata Moved to reconvene into Regular Session at 6:45 p.m. Council member Felker seconded the Motion. Motion carried. Vote: 5-0. Council member Joyner was away from the table. There was no action taken as a result of the Closed Session.

4. Proclamations.

Mayor Simpson presented proclamations to:

- Kelsey Emmons - Swimming
- Taylor Newlin - Golf

5. Invocation.

Mayor Simpson offered the invocation.

6. Pledge of Allegiance.

Cub Scout Den 298-11, Troop Leader Terri Shovald, were present to led the Pledge of Allegiance.

7. Citizen Input. (To begin approximately at 7:30 p.m.)

Marla Fields, Oak Street was present to address the Council and thanked the City, Pippa Couvillion, Mayor Simpson and Mayor Pro-Tem Maso, Dana Baird and Elizabeth Lyon, and the Library for the recent clean up of the Frisco Community Theatre.

8. Reports.

- a) Public Works Monthly Report
- b) Financial Monthly Report
- c) Tax Department Monthly Report
- d) Project Status Tracking Reports

Discussion only, no formal action was taken.

9. Consent Agenda

The Consent Agenda was considered for approval. Council member Joyner moved to pull 9a Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0. Council member West moved to pull 9m. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Maso moved to approve the Consent Agenda, excluding items 9a and 9m. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

a) Approval of the Minutes of the September 2, 2003 Regular City Council Meeting. (City Secretary)

Deputy Mayor Pro-Tem Lafata moved to approve the minutes subject to minor changes. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

- b) Acceptance of letter of resignation of Terry Smith from the Urban Forestry Board. (City Secretary)
- c) Award of bid 0306-075 for Annual Contract for Street Sign Materials. (Public Works)
- d) Adoption of **Resolution No. 03-09-168R** therein approving an Agreement by and between the City of Frisco and the Rene Bates Auctioneers, Inc. and authorizing the City Manager to execute the Agreement. (Purchasing)
- e) Adoption of **Resolution No. 03-09-169R** therein authorizing the City Manager to execute an Electric Supply Agreement pursuant to the contract to be signed by Cities Aggregation Power Project, Inc. for deliveries of electricity, effective January 1, 2004. (City Manager's Office/KH)
- f) Approval of Interlocal Agreements respectively approved and authorized by 1) **Resolution No. 03-09-170R** *City of Lucas*, 2) **Resolution No. 03-09-171R** *City of Parker*, 3) **Resolution No. 03-09-172R** *Plano ISD*, 4) **Resolution No. 03-09-173R** *City of Prosper*, 5) **Resolution No. 03-09-174R** *City of Wylie* for

the use of a portion of the Allen, Frisco, and Plano trunked radio system.
(Police)

- g) Approval of payment of Section 380 Sales Tax Grant to General Growth Properties in the amount of \$329,533.23 for the 3rd quarter of Fiscal Year 2003. (Finance)
- h) Approval of Change Order Number 1 to Halff Associates, in the amount of \$39,450.00 for Frisco Street (Main Street to Eldorado Parkway). (Engineering)
- i) Approval of Change Order Number 2 in the amount of \$52,025.00 to John Burns Construction for additions to the Miscellaneous Sanitary Sewer Repair Project. (Engineering)
- j) Adoption of **Ordinance No. 03-09-77** renaming The Trails of West Frisco Neighborhood Park to Old Orchard Park. (Parks and Recreation)
- k) Adoption of **Ordinance No. 03-09-78** renaming the 62.691-acre park known as McKinney Park to Frisco Commons – “Celebrate the Spirit”. (Parks and Recreation)
- l) Adoption of **Ordinance No. 03-09-79** renaming Panther Creek Estates Park site number two (2) to Bobwhite Park. (Parks and Recreation)
- m) Adoption of **Ordinance No. 03-09-80** renaming Panther Creek Estates Park site number one (1) to Mourning Dove Park. (Parks and Recreation)

Council member West asked if the spelling was correct for Mourning Dove. Dudley Raymond stated that Texas Parks & Wildlife spell it that way. Following discussion, Council member West moved to adopt **Ordinance No. 03-09-80**. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

- n) Adoption of **Resolution No. 03-09-175R**, therein approving a contract in the amount of \$27,700.00 for professional services with Carter and Burgess for the preparation of Conceptual Development Drawings and Construction Documents for Second Street Park and authorizing the City Manager to sign the agreement for professional services. (Parks and Recreation)
- o) Adoption of **Resolution 03-09-176R** therein approving and authorizing the City Manager to sign a contract in the amount of \$2,500.00 for professional services with Carter and Burgess for the Survey of Second Street Park. (Parks and Recreation)

END OF CONSENT AGENDA

10. Legislative Agenda

The Legislative Agenda was considered for approval. Council member Allen moved to approve, Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

- a) Adoption of **Ordinance No. 03-09-81** therein amending the conceptual zoning exhibit "D" for Planned Development-25-Business Center on 10.8± acres located on the north side of Warren Parkway, 830± feet east of Parkwood Boulevard. Neighborhood #30. Applicant(s): Steve Roberts Custom Builders, Inc. Zoning Case Z03-0018 (Planning & Development)
- b) Adoption of **Ordinance No. 03-09-82** therein amending the Comprehensive Zoning Ordinance regarding standards for the development of nonresidential and multifamily properties adjacent to creeks. Applicant(s): City of Frisco. Comprehensive Zoning Ordinance Amendment ZA03-0002 (Planning & Development)
- c) Adoption of **Ordinance No. 03-09-83** therein revising a Specific Use Permit for a Child Day Care Center on 2.0± acres on the north side of Meadow Hill Drive, 250± feet west of Preston Road. Zoned Commercial-1 with SUP-42 for a Child Day Care Center. Neighborhood #11. Applicant(s): Frisco Montessori Academy. Specific Use Permit SUP03-0009, (Planning & Development)
- d) Adoption of **Ordinance No. 03-09-84** therein rezoning 182.1± acres on the southwest corner of U.S. 380 and Preston Road from Agricultural to Industrial (130.4± acres), Highway (25.3± acres), and Commercial-1 (16.4± acres). Neighborhood #3. Applicant(s): Blue Star Land, L.P. Zoning Case Z03-0001, (Planning & Development)
- e) Adoption of **Ordinance No. 03-09-85** therein rezoning 132.1± acres on the east side of Preston Road, 900± feet south of U.S. 380 from Agricultural to Industrial (99.2± acres) and Commercial-1 (32.8± acres). Neighborhood #2. Applicant(s): Craig Curry. Zoning Case Z03-0005. (Planning & Development)

END OF LEGISLATIVE AGENDA

11. Public Hearing: Specific Use Permit SUP03-0010. A request for a Specific Use Permit for a Private Club on 1.6+ acres on the east side of Preston Road, 830+ feet south of Preston Vineyard Drive. Zoned Commercial-1. Neighborhood #24. Applicant(s): Rack Daddy's. (Planning & Development)

Deputy Mayor Pro-Tem Lafata moved to open the Public Hearing. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Jim Ebersole, operations manager, was present to address the Council requesting their approval of the Specific Use Permit for a Private Club.

There being no one else present to speak for or against the request, Mayor Pro-Tem Maso moved to close the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Council member Felker moved to approve the SUP. Deputy Mayor Pro-Tem Lafata seconded the Motion. Voting Aye: Council member West, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, Council member Joyner, and Council member Felker. Voting Nay: Council member Allen. Motion carried. Vote: 5-1.

In making the motion, it was understood the Ordinance granting the SUP shall be brought back at a later date for adoption by the Council.

12. Consider and act upon approval of a sign request in the median of Eldorado Parkway at the intersection with Preston Road. Applicant(s): Panther Creek Joint Ventures. Tabled 07/01/2003, and 09/02/03. (Planning & Development)

Deputy Mayor Pro-Tem Lafata moved to remove the item from the table. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir stated that allowing a sign in the median of Eldorado Parkway at the intersection of Preston Road is provided for in the Developers' Agreement.

Cary Cobb, representing the property owner, was present to address the Council requesting their approval of the request.

Council member Allen moved to **deny** the request. Council member West seconded the Motion. Voting Aye: Council member Allen, Council member West, Mayor Pro-Tem Maso, Council member Joyner and Council member Felker. Voting Nay: Deputy Mayor Pro-Tem Lafata. Motion carried: Vote: 5-1. The request was **denied**.

13. Consider and act upon adoption of a Resolution authorizing the City Manager to enter into an Agreement by and between the City of Frisco and

TRC Environmental Corp. for a Vulnerability Assessment of Frisco's Water Distribution System. (Public Works)

Director of Public Works Gary Hartwell was present to address the Council regarding the vulnerability assessment of Frisco's Water Distribution System. Mr. Hartwell stated the information shall be protected from the Open Records Act due to Homeland Security.

Following discussion, Council member Allen moved to adopt **Resolution No. 03-09-177R** therein Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

14. Consider and act upon adoption of an Ordinance approving the revised budget figures for the Fiscal Year 2002-2003 and adopting a budget and appropriating resources for the City of Frisco Budget Year beginning October 1, 2003. (Finance)

Assistant City Manager Jason Gray reviewed the revised budget figures for the Fiscal Year 2002-2003. Following discussion, Deputy Mayor Pro-Tem Lafata to adopt **Ordinance No. 03-09-86** therein adopting the budget figures for the Fiscal Year 2003-2004. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

15. Consider and act upon adoption of an Ordinance approving the Revised Budget Figures for the Fiscal Year 2002-2003 and adopting a budget and appropriating resources for the Frisco Community Development Corporation Budget Year beginning October 1, 2003. (Finance)

Council member West moved to adopt **Ordinance No. 03-09-87** therein approving the Revised Budget Figures for Fiscal Year 2002-2003 and adopting the budget and appropriating resources for the Frisco Community Development Corporation Budget Year beginning October 1, 2003. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

16. Consider and act upon adoption of an Ordinance approving the Revised Budget Figures for the Fiscal Year 2002-2003 and adopting a budget and appropriating resources for the Frisco Economic Development Corporation Budget Year beginning October 1, 2003. (Finance)

Council member Allen stepped down from the table due to his position as Chairperson of the EDC.

The remaining council discussed the Revised Budget Figures for the Fiscal years Year 2002-2003 and then adopted Ordinance 03-09-86 therein approving the the budget for the EDC Fiscal Year 2003-2004. Following discussion, Council member West moved to adopt **Ordinance 03-09-88** therein approving the Revised Budget

Figures for the Fiscal Year 2002-2003 and adopting a budget and appropriating resources for the Frisco Economic Development Corporation Budget Year beginning October 31, 2003. Council member Joyner seconded the Motion. Motion carried. Vote: 5-0

17. Consider and act upon adoption of an Ordinance levying the Tax Rate for the City of Frisco, Texas for the Tax Year 2003. (Finance)

Council member Joyner moved to adopt **Ordinance No. 03-09-89** therein levying the Tax Rate for the City of Frisco for the Tax Year at .432 per \$100 valuation. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

18. Consider and act upon adoption of a Resolution adopting the 2003 Official Tax Roll as approved by the Collin County Appraisal Review Board with the amount of tax affixed to each account. (Finance)

Deputy Mayor Pro-Tem Lafata moved to adopt **Resolution No. 03-09-178R** therein adopting the 2003 Official Tax Roll as approved by the Collin County Appraisal Review Board with the tax affixed to each account. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

19. Consider and act upon appointments to the Frisco Convention and Visitors Bureau Board. (City Secretary)

Lindsay Nadelman was present to address the Council endorsing Debby Hansen as a representative of the Downtown/Frisco Square area.

Saneetra Woolridge was present to address the Council endorsing Dr. Bryan Johnson as a representative of the Downtown/Frisco Square area.

Hotel Representatives - Council member Felker moved to appoint Bob Fagen and Bill Petrella from the Westin Hotel. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Retail Sector - Council member Allen moved to appoint Mary Cowser. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Downtown/Frisco Square Retail – Council member Joyner moved to appoint Debby Hansen. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Restaurant Representative - Deputy Mayor Pro-Tem Lafata moved to appoint Ty Gerot. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Sports Representative - Council member Allen nominated Mike McCall. Deputy Mayor Pro-Tem Lafata moved that nominations cease. Mike McCall was appointed by acclamation.

Chamber Representative - Council member Joyner nominated Gordon Barr. Deputy Mayor Pro-Tem Lafata moved that nominations cease. Gordon Barr was appointed by acclamation.

At-Large – Council member Joyner nominated M.J. Haire. Mayor Pro-Tem Maso moved that the nominations cease. M.J. Haire was appointed by acclamation.

At – Large - Council member Allen nominated Bryan Johnson. Council member Felker nominated Edwin Griffin. Council member Allen moved that nominations cease. Those voting for Bryan Johnson: Council member Allen, Council member West, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, Council member Joyner. Voting Nay: Council member Felker. Motion carried. Vote 5-1. Dr. Bryan Johnson was appointed by majority vote.

20.Consider and act upon a Resolution authorizing the City Manager to enter into an Agreement by and between the City of Frisco and CCIMI Partnership for an exchange of property. (City Manager's Office/SY)

Deputy Mayor Pro-Tem Lafata moved the item be **tabled** until the first meeting in October. Council member West seconded the Motion. Motion carried. Vote: 6-0.

21.Consider and act upon adoption of a Resolution authorizing the City Manager to authorize additional services in the amount of \$99,000.00 to the existing contract with Hardy Holzman Pfeiffer Associates, LLP (HHPA) to provide schematic design of the Library addition and to provide elevation studies of both the Library and City Hall future additions. (Engineering)

Deputy Mayor Pro-Tem Lafata moved to adopt **Resolution No. 03-09-179R** therein authorizing the City Manager to authorize additional services in the amount of \$99,000.00 to the existing contract with Hardy Holzman Pfeiffer Associates, LLP (HHPA) to provide schematic design of the Library addition and to provide elevation studies of both the Library and City Hall future additions. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

22. Consider and act upon a Resolution authorizing the City Manager to execute an amendment to the StarCenter Lease Agreement by and between the City of Frisco and Southwest Sports Group. Tabled 08/19/03 and 09/02/03 (City Manager)

Council member Felker moved to remove the item from the table. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Mr. Purefoy stated that the lease relates to the Lease Agreement that was approved at the last meeting with Kurt Thomas.

Following discussion, Council member West moved to Adoption of **Resolution No. 03-09-180R** therein authorizing the City Manager to execute an amendment to the StarCenter Lease Agreement by and between the City of Frisco and Southwest Sports Group. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

23. Consider and act upon authorizing the City Manager to take all action necessary to lease or purchase property south of Maple Street, north of Pecan Street, west North/South County Road, east BNSF Railroad track. (City Manager)

Mr. Purefoy requested that the item be tabled until the first meeting in October. Deputy Mayor Pro-Tem Lafata moved to **table the item until the first meeting in October**. Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

24. Consider and act upon approval of a bid for the Eldorado Storage Tank. (Engineering)

Director of Engineer Cissy Sylo requested the council approve the bid for the Eldorado Storage Tanks. Council member Allen moved to adopt **Resolution 03-09-181R**, therein approving the bid for the Eldorado Storage Tanks. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

SP1. Consider and act upon on allowing temporary spotlights for the Texas Tornados inaugural opening games.

Ed Mahoney was present to request Council's approval of the spotlights to be used on Friday, September 19, 2003.

Mayor Pro-Tem Maso moved to approve the temporary spotlights for the Texas Tornados inaugural opening games. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

SP2. Consider and act upon approval of a Resolution authorizing the City Manager to enter into an Agreement by and between the City of Frisco and Preston Road Commercial Partners, Ltd. for the purchase of 17.7562 acres of land that is located at the intersection of Hickory Street and Preston Road.

Mayor Pro-Tem Maso moved to **table** the item. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

25. Governance Agenda - Governance Reports

Council member Allen requested that Police Department Activity Report be added to the reports section at the beginning of the meeting. In addition, Staff was instructed to place the Governance Reports under the report section beginning at the next meeting.

26. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

Discussion only, no formal action was taken.

27. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Governance reports to be added
- Name change of Hutson Road vs. Gary Burns Drive
- Job Description for Central Appraisal District Representative
- Town Hall Meeting on September 29

28. Discussion on Governance Monitoring of present City Council Meeting.

Mayor Simpson gave a good evaluation of the Governance Monitoring of the present City Council Meeting.

29. Adjourn.

There being no additional business, the meeting was adjourned at 9:00 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary, TRMC/CMC